

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Kevin W. McDaniels,)	C.A. No. 4:07-3386-TLW
)	
Plaintiff,)	
)	
-versus-)	ORDER
)	
United States of America;)	
U.S. Department of Justice;)	
United States Marshal's Service;)	
Johnny Mack Brown, U.S. Marshal;)	
Patrick Pruitt, Deputy U.S. Marshal;)	
Rick Kelly, Deputy U.S. Marshal;)	
John Doe 1, Deputy U.S. Marshal; and)	
John Doe 2, Deputy U.S. Marshal,)	
)	
Defendants.)	
)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Rogers recommends that the motion filed by defendants for summary judgment be granted in its entirety and that this matter be dismissed. The Report further recommends that all outstanding motions be deemed moot. The plaintiff has filed objections to the Report.

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or

specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 101); plaintiff's objections are **OVERRULED** (Doc. # 103, and 104); and defendant's motion for summary judgment is **GRANTED** in its entirety (Doc. # 77) and this matter is dismissed. All remaining outstanding motions are deemed moot.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

January 28, 2009
Florence, South Carolina